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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/624,522	07/24/2000	Rob A. Beuker	PHN 17,569	6297

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

VO, TUNG T

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 11/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/624,522

Applicant(s)

BEUKER, ROB A.

Examiner

Tung T. Vo

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 03 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  
2. ☐ The proposed amendment(s) will not be entered because:  
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ they raise the issue of new matter (see Note below);  
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see the attachment.  
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-8.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.  
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.  
10. ☐ Other: \_\_\_\_\_



CHRIS KELLEY

SUPERVISORY PATENT EXAMINER

Tung T. Vo

Examiner

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*Response to Arguments*

1. Applicant's arguments filed 11/05/03 have been fully considered but they are not persuasive.

The applicant argued that it should be clear that the global motion vector is included in the plurality of candidate motion vector to be compared to determine the block based motion vectors, the Examiner is either misreading or misconstruing Horne, nowhere in Horne suggests or teaches determining at least a most frequency occurring block-based motion vector in the remarks pages 2 and 3.

The examiner respectfully disagrees with the applicant. It is noted that the global motion vector is included in the plurality of candidate motion vectors to be compared to determine the block based motion vectors is not claimed before, so this argument is not persuasive. The examiner would like to point out that the motion vector estimation method (fig. 3A) for carrying out a block-based motion vector estimation process (104 of fig. 1) that involved comparing a plurality of candidate vectors (312 of fig. 3A) to determine block-based motion vectors (318 of fig. 3A, e.g. the motion vector estimation process (104 of fig. 1) derives the motion vector,  $MV_{i,dt}$  as the block-based motion vector). Horne further suggests determining at least a most frequently occurring block-based motion vector (312 – 318 of fig. 3A, e.g. the comparison is made to find the minimum error occurring in the search, so the step (316 of fig. 3A) determines the best matched block within the search window as interpreted a most frequently occurring block-based motion vector). In view of the discussion above, Horne anticipates the claimed features.

The applicant further argued that there is no disclosure or suggestion in Horne of additionally using the second most frequently occurring block-based motion vector in determining the global motion vector, page 3 of the remark.

The examiner respectfully disagrees with the applicant. It is submitted that the global motion estimation process (106 of fig. 1) using the most frequently occurring block-based motion vector (401-403 of fig. 4, e.g. receiving  $MV_{i,dt}$  from the block-based motion vector estimation process (322 of fig. 3A), wherein the process of block-based motion vector performs the best matched motion vectors, and the second-most frequently occurring block-based motion vector (403 of fig. 2), more block-based motion vectors are counted, and then the most and second frequently occurring block-based motion vectors are applied to the step (406-407 of fig. 4) to determine the global motion vector), and the two processes are incorporated to perform the most and second most occurring block-based motion vectors (fig. 3A and 4). In view of the discussion above, Horne anticipated the claimed features.

It is noted that the law of anticipation does not require that a reference “teach” what an applicant’s disclosure teaches. Assuming that a reference is properly “prior art,” it is only necessary that the claims “read on” something disclosed in the reference, i.e. all limitations of the claim are found in the reference, or “fully met” by it. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760,772, 218 USPQ 781, 789 (Fed. Cir. 1983).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM - 3:00 PM.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Tung T. Vo  
Examiner  
Art Unit 2613

T.VO

  
CHRIS KELLEY  
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